

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WILLIAM B. BOWERS,  
Petitioner,**

v.

**Case No. 02-CV-01034**

**DANIEL BERTRAND, Warden,  
Oshkosh Correctional Institution,  
Respondent.**

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**DECISION AND ORDER**

On December 31, 2003, I granted petitioner William Bowers' motion to stay the proceedings on his petition for a writ of habeas corpus in order to allow him to proceed in state court. On September 14, 2011, petitioner filed two new motions in this case: a motion to appoint counsel, and a motion to proceed in forma pauperis. However, there has not been a motion brought to lift the stay. Since the case has not been re-opened and it is not clear to me what the issues are following the state court proceedings, I am denying the motion to appoint counsel as premature. I am also denying the motion to proceed in forma pauperis because it is moot. Petitioner paid the \$5.00 statutory filing fee owed under 28 U.S.C. § 1914(a) when he originally filed this petition in 2002. Therefore, petitioner does not owe any money at this time.

**THEREFORE, IT IS ORDERED** that petitioner's motion to appoint counsel is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that petitioner's motion to proceed in forma pauperis is **DENIED AS MOOT.**

Dated at Milwaukee, Wisconsin this 11th day of October 2011.

s/ \_\_\_\_\_  
LYNN ADELMAN  
District Judge